

REMARKS

Reconsideration of the present application in view of the foregoing amendments and following remarks is requested respectfully.

Claims 12 - 24 are presented. Claims 12, 17, 20 and 23 have been amended. No claims have been added or cancelled.

The amendments to claims 12 and 17 eliminate language which is redundant and unnecessary, as explained below.

Claim 20 has been amended to expressly recite several basic and important features of the method defined by claim 20, particularly the ability to produce a wide variety of surface textures and fiber densities, and to provide improved adherence of surface fibers. This amendment is supported in the present specification at page 3, lines 24-26.

Claim 23 has been amended to eliminate the term "conventional."

I. CLAIMS 12 - 24 DEFINE PATENTABLE SUBJECT MATTER**A. Summary Of The Claimed Invention**

The presently claimed invention defines a method for forming a composite fabric comprising the steps of forming an arrangement of fibers in contact with composite yarns. Importantly, the composite yarns comprise two elements: an elastomeric core and a "**thermoplastic sheath**" disposed about the core. The provision of a **thermoplastic sheath** is important to the methods as now claimed for many reasons. For example, it not only allows the production of an aesthetically pleasing outer surface in both the elongated and relaxed forms, it provides "improved adherence of surface fibers to the elastomeric core." (Specification, page 9, lines 2 - 6). A sheath which is not thermoplastic, e.g., one which includes substantial amounts of resins which do not permit bonding as a result of melting, softening and/or tackifying, will not exhibit the beneficial properties of the present invention. Claim 20, as amended, now specifically recites several of the beneficial properties of the

present invention, that is, the ability to provide a wide variety of surface textures and fiber densities, as well as improved adherence of surface fibers .

B. Response to the § 112 Rejections

The Examiner has rejected claims 12 through 24 on the basis of 35 U.S.C. §112, first paragraph, for claiming subject matter which was not described in the specification. (Office action, paragraph four). Although applicant does not agree that the negative limitations included in the previously pending claims were improper, the negative limitations have nevertheless been removed from the claims, without prejudice, in order to facilitate prosecution of the present application. Applicant hereby respectfully reserves the right to prosecute claims of the same or similar scope in a continuing application. Nevertheless, as explained in detail below, applicant submits that the presence of substantial amounts of thermosetting resins is excluded by the plain language of the claims as originally presented.

The Examiner also rejected claims 20 - 24 for use of the term “consisting essentially of.” (Office action, paragraph 11). More particularly, the Examiner indicated that the present specification does not contain a clear indication of the basic and novel characteristics of the claimed invention. Although applicant does not agree with the Examiner’s position on this point, independent claim 20 has nevertheless been amended to recite certain features that are considered to be novel and basic of the invention defined therein, namely, that the method provides the ability to achieve a wide variety of surface textures and fiber densities, and improves adherence of surface fibers. Accordingly, applicant respectfully submits that the Examiner’s rejection on this ground is rendered moot by the amendment to claim 20.

The Examiner also rejected claim 23 for use of the term “conventional fibers.” (Office action, paragraph eight). Although applicant does not concede that this term is indefinite, it has nevertheless been removed from claim 23, thereby mooting the Examiner’s rejection on this ground.

C. Response to the § 102 and § 103 Rejections

The Examiner has rejected claims 12-15 and 17-19 under 35 U.S.C. § 102(b) as being anticipated by JP 06-2240 issued to Imose (the "Imose patent"). This rejection is traversed respectfully.

The Examiner asserts that the Imose patent "does not teach or suggest the use of a thermoset component in the sheath material." (Office action, paragraph 10). Although applicant does not necessarily agree with the Examiner in this regard, it is clear that the sheath component disclosed in the Imose patent is not a "thermoplastic sheath," as is clearly required by the present claims. More particularly, the Imose patent clearly teaches the need for a sheath that contains **no less than 40% by weight of non-thermoplastic material**. (Imose, paragraph 17). In fact, this patent clearly teaches away from the present invention by requiring the presence of as much as 85% of non-thermoplastic material in the sheath.

This substantial difference makes it essentially impossible to achieve with the Imose sheath important benefits of the methods as now claimed, for example, the ability to adhere fibers over the entire surface of the core/sheath arrangement, in varying densities and textures. These benefits are certainly not possible following the teachings of the cited patent. More particularly, paragraph 16 of Imose clearly describes that the substantial presence of "non-thermo-fusion bonding" material (that is, non-thermoplastic material) causes any thermoplastic which may be present in the sheath to be "parted" from the surface of the core. (Imose, paragraph 16). Thus, any effort to use the Imose sheath in accordance with the present methods would result in as much as 85% of the surface area being unable to bind fibers. The patent cited by the Examiner does not even recognize that this is a substantial deficiency, much less suggest that the present methods could be used to overcome it. In fact, the cited patent teaches away from the present methods by absolutely requiring a minimum of 40% non-thermoplastic material in the sheath; thus any sheath made in accordance with the Imose patent would not only fail to meet the requirement of a "thermoplastic sheath,"

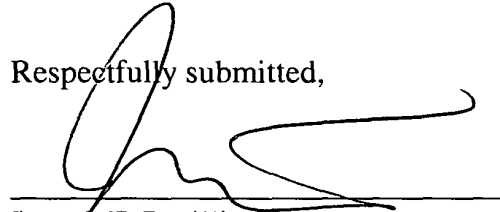
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it would also fail to produce the substantial beneficial and desirable to results of the methods as now claimed.

II. CONCLUSION

In view of the above amendment and remarks, the applicant requests respectfully that the Examiner reconsider the outstanding rejections of the claims set forth in the Office Action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joseph F. Posillico', is written over a horizontal line.

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